

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE: EQUIFAX, INC. Customer	)	MDL NO. 2800
Data Security Breach Litigation	)	Case No. 1:17-md-2800-TWT
	)	
	)	ALL ACTIONS

**APPLICATION OF LESLIE L. PESCHIA FOR APPOINTMENT TO THE  
PLAINTIFFS' STEERING COMMITTEE**

Leslie L. Pescia of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., counsel of record for Plaintiffs Jerry Allen, et al. (*Jerry Allen, et al. v. Equifax, Inc.*, Case No. 1:17-cv-04544-CAP) respectfully files this Application for Appointment to the Plaintiffs' Steering Committee and, in support thereof, states as follows:

1. I am an associate with Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. ("Beasley Allen"), a national plaintiff's law firm with offices in Montgomery, Alabama, and Atlanta, Georgia. This is my first application for leadership in a multi-district litigation (MDL) proceeding. I seek appointment to the Plaintiffs Steering Committee (or analogous position), as opposed to a lead or co-lead position. As detailed further below, I have worked cooperatively and provided assistance to leadership in multiple MDL cases, including those involving data breaches, and am qualified for a leadership appointment in this case. Multiple

factors are relevant to the appointment of designated counsel, and my firm and I not only meet, but exceed, the criteria for leadership appointment.<sup>1</sup>

### **A. Qualifications**

As outlined in my biography, attached hereto as Exhibit 1, I graduated from Thomas Goode Jones School of Law in 2013. I am licensed to practice in all state and federal courts in Alabama as well as the United States Supreme Court. I have handled complex consumer, class action, business, and whistleblower cases through Beasley Allen’s consumer fraud litigation section and practiced in numerous courts covering numerous jurisdictions. Recently, I actively handled an extremely complex trust litigation that resulted in one of the highest single-case settlements in our consumer fraud section. In 2017, I was named “Lawyer of the Year” for the firm’s consumer litigation section.

Further, I have worked closely with my senior partner, W. Daniel “Dee” Miles, III, on multiple cases of national significance.<sup>2</sup> Specifically, I did significant work in the *In re: Target Corporation Customer Data Security Breach Litigation*, United States District Court for the District of Minnesota –

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<sup>1</sup> Manual for Complex Litigation – Fourth, § 10.224

<sup>2</sup> For more information on Dee Miles and Beasley Allen’s consumer litigation practice generally, see <http://www.beasleyallen.com/attorney/dee-miles/>.

Minneapolis, Case No. 0:14-md-02522-PAM (Hon. Paul A. Magnuson) and *In re: The Home Depot, Inc., Customer Data Security Breach Litigation*, United States District Court for the Northern District of Georgia, Case No. 1:14-md-02583 (Hon. Thomas W. Thrash, Jr.) data breach cases, where I took multiple depositions, conducted numerous hours of research, and drafted key briefs and pleadings, including taking the lead on the consolidated complaint and amendments in *In re: Home Depot* before this Court. In particular, I have significant knowledge and experience with the complicated issues that these types of cases bring forth. Likewise, I have experience working cooperatively, efficiently, and successfully with many of the attorneys in this litigation.

Also, I am actively working on other MDLs including *In re: Blue Cross Blue Shield Antitrust Litigation*, United States District Court for the Northern District of Alabama, Case No. 2:13-cv-20000RDP (Hon. R. David Proctor). Our firm did not seek a leadership position in this MDL; however, we were approached by leadership to assist in the prosecution of class action claims brought by medical providers. In connection with these efforts, I have researched particular issues, drafted briefs, assisted with depositions, and supervised multiple research and discovery projects. As a result of our work, we have been appointed to the settlement committee. I have also assisted in reviewing discovery for *In re:*

*Domestic Airline Travel Antitrust Litigation*, United States District Court for the District of Columbia, Case No. 1:15-mc-01404CKK (Hon. Colleen Kollar-Kotelly). Similarly, our firm did not seek a leadership position in this case, but we were asked by leadership to assist with review of voluminous documents produced by the defendants.

Lastly, courts place an important interest on diversity in leadership appointments. Demographic diversity and diversity in skill sets is important; however, it is also important to promote fresh outlooks and innovative ideas. This Court should consider a balance of leadership with a diversity of skills, expertise, experience, and demographics but also seek to promote new and innovate outlooks on complex litigation. My role on the Steering Committee helps promote all of these objectives.

## **B. Resources**

My firm has an extensive and outstanding record of success in multidistrict litigation across the country. As a national plaintiffs' firm, we have the experience and resources to litigate complex cases from start to finish. We employ 75 lawyers and approximately 200 staff members. The staff includes investigators, computer specialists, research assistants, and a comprehensive trial graphics department. In addition to these resources, we are willing and able to provide a significant

financial commitment to the successful prosecution of this case. We have the adequate resources to meet our financial obligations and never use any type of case financing company to resource any case. A listing of my firm's numerous appointments to leadership in MDL cases is attached as Exhibit 2.

### **C. Cooperation and Commitment**

Beasley Allen has a four-decade track record of working cooperatively with co-counsel in thousands of cases. Neither I nor my firm have ever been disciplined or had informal complaints of any nature regarding our work on complex MDL or class action matters. When serving in a supporting role, Beasley Allen and I have consistently and competently performed all tasks assigned to the firm. Finally, we are well acquainted with many of the attorneys and firms seeking appointment to leadership positions in this matter and will be able to work cooperatively with them, as we have done on many occasions in the past. Neither I nor my firm have entered into any agreements or understandings with other lawyers with respect to leadership positions in this litigation.

My firm and I are committed to this important litigation, and we are ready and willing to see it through to successful completion. I have followed this litigation closely from the beginning, participated in hearings, and my firm and I represent approximately thirty-five clients affected by the Equifax breach in

addition to filing a class action to bring relief to all victims nationwide. Our commitment to this litigation, and my ability and eagerness to work diligently with all counsel until this litigation is successfully resolved, make my firm and I a valuable asset to the Steering Committee.

#### **D. Conclusion**

My firm, Beasley Allen, and I are experienced in complex litigation, including consumer litigation, class actions, MDLs, and pharmaceutical litigation. We have the track record required for leadership in this case. Moreover, we have the financial and personnel resources necessary to successfully litigate and resolve this case. We are committed to working cooperatively with others in leadership to see this litigation through to a successful conclusion. On behalf of my firm and our clients, I request appointment to any leadership or appointed position deemed appropriate by the court.

This 2<sup>nd</sup> day of February, 2018.

Respectfully submitted,

/s/ Leslie L. Pescia

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*Counsel for Plaintiffs Jerry Allen, et al.*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 2, 2018, I electronically filed the foregoing document through CM/ECF system, which will provide electronic service notification to all counsel of record registered as CM/ECF users.

Respectfully submitted this 2<sup>nd</sup> day of February, 2018.

/s/ Leslie L. Pescia  
Leslie L. Pescia

# **EXHIBIT 1**

## **BIOGRAPHY AND QUALIFICATIONS**

## Leslie Pescia

Associate

Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.

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### Biography

Leslie Pescia joined Beasley Allen during law school as a clerk in May 2012 in the consumer fraud section where she began her career working the Average Wholesale Price (AWP) litigation, which sought to recover millions of dollars lost by state Medicaid agencies as a result of fraudulent price reporting by the nation's largest drug manufacturers. Leslie also worked in the Toxic Torts section handling cases related to the BP oil spill and then returned to the consumer fraud section where she handles consumer class actions, antitrust, and whistleblower cases nationwide.

### Qualifications

### Admissions

- Alabama State Bar (admitted 2013)
  - Young Lawyers Section: Executive Committee 2016-2017
  - Diversity of the Profession Committee, member 2016-2017
- U.S. District Court for the Northern District of Alabama (admitted 2013)
- U.S. District Court for the Middle District of Alabama (admitted 2013)
- U.S. District Court for the Southern District of Alabama (admitted 2017)
- Supreme Court of the United States (admitted 2017)

### Memberships

- Alabama State Bar

- Montgomery County Bar Association
- American Association for Justice
  - New Lawyers Division
    - \*Excellence Award 2016, 2017
    - \*Public Service Committee
    - \*Publications Committee, Chair
  - Women's Caucus
    - \*Convention Committee
  - Membership Oversight Committee
  - PAC Task Force
- Alabama Association for Justice
  - Co-Chair of Entertainment Committee 2016-2017
  - Emerging Leaders
  - Women's Caucus, member
- Montgomery Volunteer Lawyers Program
- Pound Civil Justice Institute – Member Fellow
- Hugh Maddox Chapter, American Inns of Court
- Faulkner Law Leadership Circle
- Auburn Alumni Association
- Montgomery Lion's Club

## Awards

- 2017 Beasley Allen Fraud Lawyer of the Year
- National Advocates – Top 40 under 40

## Publications

- A Quick Look at the Recent Interplay between MDLs & Class Actions  
AAJ Class Action Litigation Newsletter, Winter 2016
- Do You Want Arbitration with That?  
AAJ WTLC Newsletter, Summer 2015

## Education

- Thomas Goode Jones School of Law, Faulkner University  
*Juris Doctor, Magna Cum Laude, May 2013*  
\* 2013 Advocate of the Year

- Auburn University  
*Bachelor of Arts, Cum Laude, December 2009,*  
Political Science & Criminology

# **EXHIBIT 2**

## **MDL APPOINTMENTS**

Updated 8/25/2017

<b>Plaintiffs' Steering Committee</b>	<b>Attorney Name</b>	<b>Year Appointed</b>
Motor Fuel Temperature MDL (D. Kan.)	Rhon Jones	
Google Gmail MDL (N.D. Cal.)	Dee Miles	
Reciprocal of America Sales Practices MDL (W.D. Tenn.)	Jere Beasley & Dee Miles (co-leads)	2004
American General Life Insurance MDL (D. S.C.)	Dee Miles (co-lead)	2004
Vioxx MDL (E.D. La.)	Andy Birchfield (Co-Lead)	2005
Celebrex/Bextra (N.D. Cal.)	Frank Woodson	2008
Fosamax ONJ MDL (S.D. N.Y.)	Russ Abney*	2009
Toyota Unintended Acceleration MDL (C.D. Cal.)	Dee Miles	2010
BP Oil Spill MDL (E.D. La.)	Rhon Jones	2010
Fosamax Femur Fracture MDL (D. N.J.)	Chad Cook	2011
DePuy ASR Hip Replacement MDL (N.D. Oh.)	Navan Ward	2011
Hormone Therapy MDL (E.D. Ark.)	Ted Meadows	2011
Navistar Diesel Engine MDL (N.D. Ill.)	Bill Hopkins *	2011
TVM MDLs (Ethicon; Bard, AMS, Boston Scientific, Coloplast) (S.D. W.Va.)	Leigh O'Dell	5/4/2012 (Ethicon; Bard, AMS, Boston Scientific); 9/21/2012 (Coloplast)
Zoloft MDL (E.D. Pa.)	Andy Birchfield	2012
DePuy Pinnacle Hip Replacement MDL (N.D. Tex.)	Navan Ward	2012

Biomet Hip Replacement MDL (N.D. Ind.)	Navan Ward	2012
Mirena MDL (S.D. N.Y.)	Roger Smith	2013
Granuflo MDL (D. Mass.)	Frank Woodson	2013
Lipitor MDL (D. S.C.)	Frank Woodson	2014
Testosterone Replacement Therapy MDL (N.D. Ill.)	Matt Teague	2014
Target Data Breach MDL (D. Minn.)	Dee Miles	2014
Xarelto MDL (E.D. La.)	Andy Birchfield (Co-Lead)	2015
Biomet Hip Replacement MDL (N.D. Ind.)	Navan Ward (CoLead)	2015
Home Depot Data Breach MDL (N.D. Ga.)	Dee Miles	2015
Community Health Data Breach MDL (N.D. Ala.)	Gibson Vance	2015
Talc MDL (D. N.J.)	Leigh O'Dell (CoLead)	2016
Volkswagen Clean Diesel MDL (N.D. Cal.)	Dee Miles	2016
Invokana MDL (D. N.J.)	Danielle Mason	2017
Chrysler-Jeep-Dodge Ecodiesel MDL (N.D. Cal.)	Dee Miles	2017

\* Denotes listed attorney no longer with Beasley Allen.